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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,919	09/19/2001	Drew A. Pappas	7784-000302	9713

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EXAMINER

HARVEY, JAMES R

ART UNIT PAPER NUMBER

2833

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,919

Applicant(s)

PAPPAS ET AL.

Examiner

James R. Harvey

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2003 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9-19-01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- ☒ Interview Summary (PTO-413) Paper No(s). 10.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

- A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5-29-03 has been entered.

Specification

- The disclosure is objected to because of the following informalities: The specification and drawings contain no information to understand what unique characteristics make the invention nonremovable.

-- Appropriate correction is required.

Drawings

- The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.
- The nonremovable feature of claim 1, line 7 is not shown.
- Please note that drawing corrections will no longer be held in abeyance. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application.

Art Unit: 2833

- If drawing correction are not submitted with the response to this office action, the response will be consider a Non-Responsive Reply and the following paragraph will apply:

The reply filed on (...) is not fully responsive to the prior Office Action because: (...) Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Claim Rejections - 35 USC § 112

- The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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- Claims 1-7, 11, and 12 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has added the claim limitation “nonremovable” to claim 1 at line 7. The specification and drawings contain no information to understand what unique characteristics make the invention “nonremovable”. For example, the housing appears to be a typical housing

Art Unit: 2833

that is attached to the armrest with typical screws or adhesive and the examiner knows of no method that the three different ports can be assembled to the housing and the housing assembled to the seat with another method other than screws or adhesive. In either instance, however, the screws and adhesive do not provide support for the new limitation of "nonremovable".

Therefore, the recitation "nonremovable" is a **New Matter**.

Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- Claim(s) 8 - 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castleman (5570002) in view of an article by Marsha Walton dated January 23, 2001, in view of Francis (6315618), and further in view of Thompson (6206480).

-- In reference to claim 8 and 10, Castleman shows (figure 3)

a housing (near 126j) forming an integral portion of a seat within the mobile platform to a be readily accessible by an occupant of the seat while the occupant is seated in the seat ,

wherein the seat comprises a seat cushion, a seat frame and a seat armrest (figure 3);

Art Unit: 2833

a first networking port 126j disposed in the housing and adapted to couple the portable electronic device to the network for providing network connectivity of the portable electronic device, wherein the network is located on-board the mobile platform (figure 2);

a power port 129j disposed in the housing that can be adapted to receive a DC power cable of the portable electronic device for providing power to the portable electronic device.

-- In particular reference to the claim language "network located on-board the aircraft", although the specification alludes to a internet or intranet type of network, the network of Castleman shown in figure 2 meets the broad limitation of "network". Further still, even if applicant amended the language to narrow the network to a network consistent with a network used by a internet provider, Walton provides teachings that a internet provider network can be on board the airplane.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the network on the airplane because as Walton teaches on page 2, lines 17-20, people sometimes need to get information and articles written on certain things and getting that information while the person is flying would save that person a lot of time.

-- In particular reference to the claim language that the first networking port a USB port, Castleman is silent to the type of port.

Francis teaches that all types and styles of connector including USB and other connectors for physical electrical connection of communication devices (column 4, lines 63-66) and that the necessary modifications to enable coupling to different connectors would be known to those skilled in the art (column 5, lines 5-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Castleman's invention by constructing the unnamed port as a USB port connector because Francis teaches that all types and styles of connector including USB and other connectors for physical electrical connection of communication devices (column 4, lines 63-66) or it would make it more marketable to people who prefer the ease of use associated with USB connectors.

-- In particular reference to the claim limitation recitation that a second networking port comprising an RJ-type port disposed in the housing adapted to couple the portable electronic device to the network for providing network connectivity of the portable electronic device, Castleman does not mention a second network port.

Thompson teaches (column 8, line 50) that one skilled in the art can simply add more peripheral connections.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Castleman's invention by adding a second network port to the arrangement of Castleman because, as taught by Thompson ((column 1, lines 27-30) and column 2, lines 30-35), other peripheral connections are required for digital cameras or scanners or LAN (column 2, line 34).

-- In particular reference to the claim language "RJ-45" connector, neither Castleman or Thompson show an RJ-45 networking port.

Francis teaches that all types and styles of connector including RJ-type and other connectors for physical electrical connection of communication devices (column 4, lines 63-66)

Art Unit: 2833

and that the necessary modifications to enable coupling to different connectors would be known to those skilled in the art (column 5, lines 5-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Castleman's invention by choosing to use a specific RJ-45 connector because Francis teaches that all types and styles of connector including RJ-type and other connectors for physical electrical connection of communication devices (column 4, lines 63-66) or it would be more marketable to users that prefer RJ-45 connections.

-- In further reference to the claim limitation a first network port comprising a Universal Serial Bus disposed in the housing adapted to couple the portable electronic device to the network for providing network connectivity of the portable electronic device, Thompson has other useful information.

Thompson teaches (column 2 lines 35-40) that several methods of data connection can be used and indicates a parallel connector and a USB are part of those several methods of data connection.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Thompson to further modify the port of Castleman because, as taught by Thompson (column 1, lines 27-29), some mobile users of mobile modular computing and communication systems need to deploy several additional peripherals that need both power supply and data connections to the portable computer.

-- In reference to claim 9, the rejection of this claim is substantially the same as was noted in the previous office action of which applicant did not dispute. Concerning the network is of the type selected from the group consisting of a local area network (LAN), a wide area network (WAN),

Art Unit: 2833

internet, an intranet, and combination thereof, and the network is of the type selected from the group consisting of a local area network (LAN), a wide area network (WAN) and an intranet;

a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Further, even if the claim was amended to positively recite a LAN, Thompson teaches the use of a LAN (column 2, line 34) and there are several reasons why one skilled in the art would appreciate a connection to a LAN network.

Response to Arguments

-- In response to applicant's argument (paper's filed 5-6-03), the arguments all appear to be based upon the new limitations of "housing forming an integral portion of a seat of a mobile platform" (claim 1 [page 6, line 20] and Claim 8 [page 8, line 2] and those claims that are dependent thereon) and "a housing connected to a seat of an aircraft" (Claim 10 [page 8, line 15]). Since the new rejection provides a different reference that shows the elements, applicant's arguments are seen to be moot in view of the new grounds of rejection.

Conclusion

Art Unit: 2833

Effective May 1, 2003, the United States Patent and Trademark Office has a new Commissioner for Patents address. Correspondence in patent related matters must now be addressed to:

**Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450**

For additional information regarding the new address, see Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332 (March 25, 2003).


- Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 703-305-0958. The examiner can normally be reached on 8:00 A.M. To 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 703-308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 (OFFICAL/BEFORE FINAL) and 703-872-9319 (OFFICAL/AFTER FINAL).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

James R. Harvey, Examiner

jrh
August 4, 2003


**THO D. TA
PRIMARY EXAMINER**